

REMARKS

Reconsideration of the application in view of the present amendment is respectfully requested.

By the present amendment, the specification has been amended to provide appropriate headings and to clarify language the Examiner pointed out as being vague and indefinite. Claims 1-10 have been canceled. Claims 11-12 have been added.

Based on the foregoing amendments and the following remarks the application is deemed to be in condition for allowance and action to that end is respectfully requested.

I. Objection to the Specification Under 35 U.S.C. §112, First Paragraph

The Examiner objected to the specification under 35 U.S.C. §112, first paragraph, for allegedly vague language therein. As noted above, the specification has been amended to clarify the language the Examiner pointed out as being vague and indefinite.

In view of the above, it is respectfully requested that the objection to the specification under 35 U.S.C. §112, first paragraph, be withdrawn.

II. Rejection Under 35 U.S.C. §112, Second Paragraph

The Examiner rejected claims 9-10 under 35 U.S.C. §112, second paragraph, for being indefinite. As noted above, claims 9-10 have been canceled. Accordingly, the §112, second paragraph, rejection became moot. It is respectfully submitted that claims 11-12 comply with all of the requirements of 35 U.S.C. §112.

III. Rejection of Claims Over the Prior Art

The Examiner rejected Claims 9 and 10 under 35 U.S.C. §103(a) as being unpatentable over the admitted prior art in view of Tozawa, et al., U.S. Patent No. 5,381,857 (Tozawa). Claims 9-10 were also rejected under 35 U.S.C. §103(a) as being unpatentable over Tozawa in view of Kollberg, et al., U.S. Patent No. 6,494,249 (Kollberg) or in view of PCT Publication WO 92/12814.

It is respectfully submitted that claims 11-12, claims 9-10 having been canceled, are patentable over the cited references.

Specifically, claim 11 recites that means for pivotally displacing the permanent magnets is formed as rotatable means. None of the prior art, including Tozawa, Kollberg, and WO 92/12814 discloses or suggests rotatable means for

pivots displacing permanent magnets mounted on the mold. Thus, Tozawa discloses linearly movable means.

Under MPEP §2143 *prima facie* case of obviousness requires that three basic criteria be met.

First, there must be some suggestion or motivation, either in the references or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitation.

It is respectfully submitted that at least the third element of *prima facie* obviousness has not been established.

In view of the above, it is respectfully submitted that the present invention, as defined by claim 11, is not obvious in view of the prior art, and claim 11 is patentable over the prior art and is allowable.

Claim 12 depends on claim 11 and is likewise allowable.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance, and allowance of the application is respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place the case in condition for final allowance, it is respectfully requested that such amendment or correction be carried out by Examiner's Amendment and the case passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

Alexander Zinchuk
Alexander Zinchuk
Reg. No. 30,541

Abelman, Frayne & Schwab
666 Third Avenue, 10th Floor
New York, NY 10017-5621
212-885-9383